

[REPUBLIC ACT NO. 6425, March 30, 1972]

THE DANGEROUS DRUGS ACT OF 1972

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Short Title.* — This Act shall be known and cited as "The Dangerous Drugs Act of 1972."

Article I

Definition of Terms

SEC. 2. *Definitions.* — As used in this Act, the term:

- a. "Administer" refers to the act of introducing any dangerous drug into the body of any person, with or without his knowledge, by injection, ingestion or other means or of committing any act of indispensable assistance to a person in administering a dangerous drug to himself;
- b. "Board" refers to the Dangerous Drugs Board created under Section 35, Article VIII of this Act;
- c. "Centers" refers to any of the treatment rehabilitation centers for drug dependents referred to in Section 34, Article VII of this Act;
- d. "Cultivate or culture" means the act of knowingly planting, growing, raising or permitting the planting, growing or raising of any plant which is the source of a prohibited drug;
- e. "Dangerous" drugs refer to either;
 1. "Prohibited drug," which includes opium and its active components and derivatives, such as heroin and morphine; coca leaf and its derivatives, principally cocaine; alpha and beta eucaine; hallucinogenic drugs, such as mescaline, *lysergic acid diethylamide* (LSD) and other substances producing similar effects; Indian hemp and its derivatives; all preparations made from any of the foregoing; and other drugs, whether natural or synthetic, with the physiological effects of a narcotic drug; or
 2. "Regulated drug," which includes self-inducing sedatives, such as secobarbital, phenobarbital, pento-barbital, barbital, amobarbital and any other drug which contains a salt or a derivative of a salt of barbituric acid; any salt, isomer or salt of an isomer, of amphetamine, such as benzedrine or dexedrine, or any drug which produces a physiological action similar to amphetamine; and hypnotic drugs, such as methaqualone or any other compound producing similar physiological effects;

- f. "Deliver" refers to a person's act of knowingly passing a dangerous drug to another, personally or otherwise, and by any means, with or without consideration;
- g. "Drug dependence" means a state of psychic or physical dependence, or both, on a dangerous drug, arising in a person following administration or use of that drug on a periodic or continuous basis;
- h. "Employee" of a prohibited drug den, dive or resort includes the caretaker, helper, watchman, lookout and other persons employed by the operator of a prohibited drug den, dive or resort where any prohibited drug is administered delivered distributed, sold or used, with or without compensation in connection with the operation thereof;
- i. "Indian hemp" otherwise known as "Marijuana," embraces every kind and class of the plant *cannabis sativa* L. from which the resin has not been extracted, including *cannabis americana*, *hashish*, *bhanga*, *guaza*, *churrus* and *ganjah*, and embraces every kind, class and character of Indian hemp, whether dried or fresh, flowering or fruiting tops of the pistillate plant, and all its geographic varieties, whether as a reefer, resin, extract, tincture or in any form whatsoever;
- j. "Manufacture" means the production, preparation, compounding or processing of a dangerous drug either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis, and shall include any packaging or repackaging of such substance or labeling or relabeling of its container; except that such term does not include the preparation, compounding, packaging, or labeling of a drug; or other substance by a duly authorized practitioner as an incident to his administration or dispensing of such drug or substance in the course of his professional practice;
- k. "Narcotic drug" refers to any drug which produces insensibility, stupor, melancholy or dullness of mind with delusions and which may be habit-forming, and shall include opium, opium derivatives and synthetic opiates;
- l. "Opium" refers to the coagulated juice of the opium poppy (*papaver somniferum*) and embraces every kind and class of opium, whether crude or prepared; the ashes or refuse of the same; narcotic preparations thereof or therefrom; morphine or any alkaloid of opium; preparations in which opium, morphine or any alkaloid of opium enters as an ingredient; opium poppy straw; and leaves or wrappings of opium leaves, whether prepared for use or not;
- m. "Pusher" refers to any person who sells, administers, delivers, or gives away to another, on any terms whatsoever, or distributes, dispatches in transit or transports any dangerous drug or who acts as a broker in any of such transactions, in violation of this Act;
- n. "School" includes any university, college, or institution of learning, regardless of the course or courses it offers j
- o. "Sell" means the act of giving a dangerous drug, whether for money or any other material consideration;
- p. "Use" refers to the act of injecting, intravenously or intramuscularly, or of consuming, either by chewing, smoking, sniffing, eating, swallowing, drinking, or otherwise introducing into the physiological system of the body, any of the dangerous drugs.

Article II

Prohibited Drugs

SEC. 3. *Importation of Prohibited Drugs.* — The penalty of imprisonment ranging from fourteen years and one day to life imprisonment and a fine ranging from fourteen thousand to thirty thousand pesos shall be imposed upon any person who, unless authorized by law, shall import or bring into the Philippines any prohibited drug.

SEC. 4. *Sale, Administration, Delivery, Distribution and Transportation of Prohibited Drugs.* — The penalty of imprisonment ranging from twelve years and one day to twenty years and a fine ranging from twelve thousand to twenty thousand pesos shall be imposed upon any person who, unless authorized by law, shall sell, administer, deliver, give away to another, distribute, dispatch in transit or transport any prohibited drug, or shall act as a broker in any of such transactions. In case of a practitioner, the additional penalty of the revocation of his license to practice his profession shall be imposed. If the victim of the offense is a minor, the maximum of the penalty shall be imposed.

Should a prohibited drug involved in any offense under this Section be the proximate cause of the death of a victim thereof, the penalty of life imprisonment to death and a fine ranging from twenty thousand to thirty thousand pesos shall be imposed upon the pusher.

SEC. 5. *Maintenance of a Den, Dive or Resort for Prohibited Drug Users.* — The penalty of imprisonment ranging from twelve years and one day to twenty years and a fine ranging from twelve thousand to twenty thousand pesos shall be imposed upon any person or group of persons who shall maintain a den, dive or resort where any prohibited drug is used in any form.

The maximum of the penalty shall be imposed in every case where a prohibited drug is administered, delivered or sold to a minor who is allowed to use the same in such place.

Should a prohibited drug be the proximate cause of the death of a person using the same in such den, dive or resort, the penalty of life imprisonment to death and a fine ranging from twenty thousand to thirty thousand pesos shall be imposed on the maintainer.

SEC. 6. *Employees and Visitors of Prohibited Drug Den.* — The penalty of imprisonment ranging from two years and one day to six years and a fine ranging from two thousand to six thousand pesos shall be imposed upon:

- a. Any employee of a prohibited drug den, dive or resort; and
- b. Any person who, not being included in the provisions of the next preceding paragraph, shall knowingly visit any prohibited drug den, dive or resort.

SEC. 7. *Manufacture of Prohibited Drugs.* — The penalty of life imprisonment to death and a fine ranging from twenty thousand to thirty thousand pesos shall be imposed upon any person who, unless authorized by law, shall engage in the manufacture of any prohibited drug.

SEC. 8. *Possession or Use of Prohibited Drugs.* — The penalty of imprisonment

ranging from six years and one day to twelve years and a fine ranging from six thousand to twelve thousand pesos shall be imposed upon any person who, unless authorized by law, shall possess or use any prohibited drug, except Indian hemp as to which the next following paragraph shall apply.

The penalty of imprisonment ranging from six months and one day to six years and a fine ranging from six hundred to six thousand pesos shall be imposed upon any person who, unless authorized by law, shall possess or use Indian hemp.

SEC. 9. Cultivation of Plants Which are Sources of Prohibited Drugs. — The penalty of imprisonment ranging from fourteen years and one day to life imprisonment and a fine ranging from fourteen thousand to thirty thousand pesos shall be imposed upon any person who shall cultivate or culture Indian hemp, opium poppy (*papaver somniferum*) and other plants from which any prohibited drug may be manufactured.

The land on which any of said plants is cultivated or cultured shall be confiscated and escheated to the State, unless the owner thereof can prove that he did not know of such cultivation or culture despite the exercise of due diligence on his part.

SEC. 10. Records of Prescription, Sales, Purchases, Acquisitions and/or Deliveries of Prohibited Drugs. — The penalty of imprisonment ranging from one year and one day to six years and a fine ranging from one thousand to six thousand pesos shall be imposed upon any pharmacist, physician, dentist, veterinarian, manufacturer, wholesaler, importer, distributor, dealer or retailer who violates or fails to comply with the provisions of Section 25 of this Act, if the violation or failure involves a prohibited drug.

The additional penalty of the revocation of his license to practice his profession, in case of a practitioner, or of his or its business license, in case of a manufacturer, seller, importer, distributor or dealer, shall be imposed.

SEC. 11. Unlawful Prescription of Prohibited Drugs. — The penalty of imprisonment ranging from eight years and one day to twelve years and a fine ranging from eight thousand to twelve thousand pesos shall be imposed upon any person who, unless authorized by law, shall make or issue a prescription or any other writing purporting to be a prescription for any prohibited drug.

SEC. 12. Unnecessary Prescription of Prohibited Drugs. — The penalty of imprisonment ranging from four years and one day to twelve years and a fine ranging from four thousand to twelve thousand pesos and the additional penalty of the revocation of his license to practice shall be imposed upon any physician or dentist who shall prescribe any prohibited drug for any person whose physical or physiological condition does not require the use thereof.

SEC. 13. Possession of Opium Pipe and Other Paraphernalia for Prohibited Drugs. — The penalty of imprisonment ranging from six months and one day to four years and a fine ranging from six hundred to four thousand pesos shall be imposed upon any person who, unless authorized by law, shall possess or have under his control any opium pipe, equipment, instrument, apparatus or other paraphernalia fit or intended for smoking, consuming, administering, injecting, ingesting or otherwise using opium or any other prohibited drug.

The possession of such opium pipe, equipment, instrument, apparatus or other paraphernalia fit or intended for any of the purposes enumerated in this Section shall be prima facie evidence that the possessor has smoked, consumed, administered to himself, injected, ingested or used a prohibited drug.

Article III

Regulated Drugs

SEC. 14. *Importation of Regulated Drugs.* — The penalty of imprisonment ranging from six years and one day to twelve years and a fine ranging from six thousand to twelve thousand pesos shall be imposed upon any person who, unless authorized by law, shall import or bring any regulated drug into the Philippines.

SEC. 15. *Sale, Administration, Dispensation, Delivery, Transportation and Distribution of Regulated Drugs.* — The penalty of imprisonment ranging from six years and one day to twelve years and a fine ranging from six thousand to twelve thousand pesos shall be imposed upon any person who, unless authorized by law, shall sell, dispense, deliver, transport or distribute any regulated drug. In case of a practitioner, the maximum of the penalty herein prescribed and the additional penalty of the revocation of his license to practice his profession shall be imposed.

SEC. 16. *Possession or Use of Regulated Drugs.* — The penalty of imprisonment ranging from six months and one day to four years and a fine ranging from six hundred to four thousand pesos shall be imposed upon any person who shall possess or use any regulated drug without the corresponding license or prescription.

SEC. 17. *Records of Prescriptions, Sales, Purchases, Acquisitions and/or Deliveries of Regulated Drugs.* — The penalty of imprisonment ranging from six months and one day to four years and a fine ranging from six hundred to four thousand pesos shall be imposed upon any pharmacist, physician, dentist, veterinarian, manufacturer, wholesaler, importer, distributor, dealer or retailer who violates or fails to comply with the provisions of Section 25 of this Act, if the violation or failure involves a regulated drug.

SEC. 18. *Unlawful Prescription of Regulated Drugs.* — The penalty of imprisonment ranging from four years and one day to eight years and a fine ranging from four thousand to eight thousand pesos shall be imposed upon any person who, unless authorized by law, shall make or issue a prescription for any regulated drug.

SEC. 19. *Unnecessary Prescription of Regulated Drugs.* — The penalty of imprisonment ranging from six months and one day to four years and a fine ranging from six hundred to four thousand pesos and the additional penalty of the revocation of his license to practice shall be imposed upon any physician or dentist who shall prescribe any regulated drug for any person whose physical or physiological condition does not require the use thereof.

Article IV

Provisions of Common Application to Offenses Penalized under Articles II and III